

MUNICIPAL ANNEXATION AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen D. Clark

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill amends the Utah Municipal Code relating to municipal annexations.

Highlighted Provisions:

This bill:

- provides that an area separated from a municipality only by a body of water is to be considered contiguous to the municipality for annexation purposes if the area and the municipality are in the same county; and

- makes a conforming amendment to accommodate an annexation that results from application of the provision under which an area is considered contiguous to a municipality even if separated by a body of water.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-402, as last amended by Laws of Utah 2007, Chapter 378

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-2-402** is amended to read:



10-2-402. Annexation -- Limitations.

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) An unincorporated area may not be annexed to a municipality unless:

(i) it is a contiguous area;

(ii) it is contiguous to the municipality;

(iii) except as provided in Subsection 10-2-418(1)(b) or with respect to an annexation that results from application of Subsection (1)(c), annexation will not leave or create an unincorporated island or peninsula; and

(iv) for an area located in a specified county with respect to an annexation that occurs after December 31, 2002, the area is within the proposed annexing municipality's expansion area.

(c) An area located in the same county as a municipality and separated from the municipality only by a body of water shall be considered to be contiguous to the municipality for purposes of Subsections (1)(a) and (b).

(2) Except as provided in Section 10-2-418, a municipality may not annex an unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

(3) An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation petition under Section 10-2-403.

(4) A municipality may not annex an unincorporated area in a specified county for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.

(5) The legislative body of a specified county may not approve urban development within a municipality's expansion area unless:

(a) the county notifies the municipality of the proposed development; and

(b) (i) the municipality consents in writing to the development; or

(ii) (A) within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and

59 (B) the county responds in writing to the municipality's objections.

60 (6) (a) An annexation petition may not be filed under this part proposing the
61 annexation of an area located in a county that is not the county in which the proposed annexing
62 municipality is located unless the legislative body of the county in which the area is located has
63 adopted a resolution approving the proposed annexation.

64 (b) Each county legislative body that declines to adopt a resolution approving a
65 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its
66 reasons for declining to approve the proposed annexation.

67 (7) (a) As used in this Subsection (7):

68 (i) "Airport" means an area that the Federal Aviation Administration has, by a record of
69 decision, approved for the construction of a Class I, II, or III commercial service airport, as
70 designated by the Federal Aviation Administration in 14 C.F.R. Part 139.

71 (ii) "Conical surface area" has the same meaning as defined in 14 C.F.R. 77, Objects
72 Affecting Navigable Airspace.

73 (b) A municipality may not annex an unincorporated area within the conical surface
74 area of an airport operated or to be constructed and operated by another municipality unless the
75 legislative body of the other municipality adopts a resolution consenting to the annexation.

76 (c) A municipality that operates or intends to construct and operate an airport and does
77 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)
78 may not deny an annexation petition proposing the annexation of that same area to that
79 municipality.

Legislative Review Note
as of 1-24-08 3:29 PM

Office of Legislative Research and General Counsel

H.B. 340 - Municipal Annexation Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
